

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PRISCILLA SANCHEZ

*

Plaintiff,

v.

*

CIVIL ACTION NO. WDQ-07-2724

DAVID ARCHER

*

Defendant.

MEMORANDUM

On October 5, 2007, the Court received for filing a Complaint and attachments filed by or on behalf of Priscilla Sanchez, accompanied by a Motion to Proceed *In Forma Pauperis*.¹ While Sanchez shall be granted leave to proceed without the pre-payment of the filing fee, the Complaint shall be summarily dismissed pursuant to 28 U.S.C. § 1915(e).

The Complaint seeks to raise allegations against Defendant Archer under 42 U.S.C. § 1983.

The facts set out are:

Mr. Archer has committed numerous acts of mental and or physical moral turpitude and has denied access to unhindered redress. See attachments. His attempt to hide and seek, escape and evasion are contempt of court and obstruction of justice. That the rights and privileges denied are by multiple acts of criminal assault trespass. That he is attempting to commit further larceny of the house belonging to ex-wife and children after he committed acts of mental and physical cruelty that are numerous to even list. During [undecipherable] and children the acts were on a continued and repetitious daily basis that every act committed was with knowledge of children so every act [undecipherable] one was against and caused scars on [undecipherable]. Full hearing on all issued and fair and just decision.

Paper No. 1 at 2.

¹ It is believed that the documents were prepared by Ellis Harley Barber, a frequent *pro se* litigator in this Court. It is not clear whether Plaintiff signed the documents. Only initials are provided on the signature lines of all documents.

The Complaint sets out no coherent facts, and the attachments to the Complaint do nothing to clarify the nature and subject matter of this suit. The civil cover sheet indicates that this involves a marital dispute. Paper No. 1 at Attachments. Attachments reflect that a case was filed in the Circuit Court for Howard County concerning the marital property between Ms. Sanchez (formerly Sanchez-Archer) and David Archer.² *Id.*

This court may preliminarily review the claims in Plaintiff's Complaint and dismiss the action prior to service if it is satisfied that it has no factual or legal basis and it is frivolous on its face. *See* 28 U.S.C. § 1915(e), *Neitzke v. Williams*, 490 U.S. 319, 324 (1989); *see also Cochran v. Morris*, 73 F.3d 1310, 1314 (4th Cir. 1996). As filed as a civil rights action seeking damages and property settlements, the Complaint is subject to dismissal. The jurisdictional and threshold requirements of §1983 civil actions are that a substantial federal question be asserted and that the named defendant be acting "under color of" state law. *See* 28 U.S.C. §§ 1343(a)(3) and (4); *see also West v. Adkins*, 487 U.S. 42, 49 (1988); *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 928-930 (1982). Assuming *arguendo* that a federal question has been alleged, Defendant does not act under color of state law and is not amenable to damage liability under §1983. In addition, to the extent that Plaintiff is challenging prior state court determinations regarding marital property involving her ex-husband David Archer, such issues have traditionally been reserved to the state or municipal court systems with their expertise and professional support staff. Under the domestic relations exception to federal jurisdiction, federal courts do not have the power to intervene in such matters. *See Ankenbrandt v. Richards*, 504 U.S. 689, 701-05 (1992).

¹ The attachments show that Mr. Barber filed the circuit court action on behalf of Ms. Sanchez. Paper No. 1 at Attachments.

As this Complaint clearly has no basis in law and fact, it shall be dismissed as frivolous, without service of process upon Defendant. A separate Order follows.

Date: October 16, 2007

/s/
William D. Quarles, Jr.
United States District Judge